

APR 18 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KEVIN LEE LEWIS,

Petitioner - Appellant,

v.

D. L. RUNNELS, Warden,

Respondent - Appellee.

No. 04-57010

D.C. No. CV-03-00773-CAS

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Argued & Submitted April 3, 2006
Pasadena, California

Before: SCHROEDER, Chief Judge, BRIGHT^{**} and PREGERSON, Circuit
Judges.

The facts of this case are known to the parties.

Petitioner Kevin Lee Lewis alleges that his due process rights were violated
when the California trial court denied his motion for a continuance and when he

^{*} This disposition is not appropriate for publication and may not be cited
to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

^{**} The Honorable Myron H. Bright, Senior United States Circuit Judge
for the Eighth Circuit, sitting by designation.

was denied access to a law library. We have considered his claims and find that they lack merit. *See Kane v. Garcia Espitia*, 126 S. Ct. 407 (2005); *United States v. Flewitt*, 874 F.2d 669, 675 (9th Cir. 1989).

Petitioner's claim that he did not voluntarily waive his right to counsel was not raised before the district court and is not properly before us on appeal. *See Young v. Runnels*, 435 F.3d 1038, 1044 (9th Cir. 2006).

AFFIRMED.